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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,324	07/18/2003	Feihong Chen	29250-000979/US	2523
32498 7590 04/04/2008 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183				
EXAMINER				
MOORE, IAN N				
ART UNIT		PAPER NUMBER		
2616				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/621,324	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> IAN N. MOORE	<b>Art Unit</b> 2616	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 25 February 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Doris To/  
Supervisory Patent Examiner, Art Unit 2616

Continuation of 10. Other (including any explanation in support of the above items):

After reviewing the appeal brief section IV, status of amendment, it is noticed that applicant has not received the advisory action processed on 12-21-2007 which was noted on PAIR and PALM. The advisory action inadvertently was not mailed to applicant. A copy of advisory action has been resubmitted for mailing on 3-24-08. In order to ensure the applicant receives the advisory action, examiner has also attached a duplicated copy of advisory action to the communication letter.

Section IV, of the appeal brief also recites that "appellant presume the amendment contained in the AAF (amendment after final) will be entered".

In view of the advisory processed on 12-21-2007, which is attached, the amendment introduces new issue, which required further consideration and/or search.

First, claim 13 is amended in lines 4 to include "after said receiving step". This addition made to claim 13 raise new issue.

In addition, it is also noticed that by incorporating claim 2 into independent claim 1, new issue is introduced to claims 3 and 4 since claims 3 and 4 no longer depend on original independent claim 1 alone. Similar scenario applicable to claims 7 and 8 where claim 6 is incorporated into independent claim 5; claims 11 and 12 where claim 10 is incorporated into independent claim 9; claims 15 and 16 where claim 14 is incorporated into independent claim 13; claims 19 and 20 where claim 18 is incorporated into independent claim 17; claims 23 and 24 where claim 22 is incorporated into independent claim 21.

Thus, the appeal brief is non-compliant appeal brief since the appeal brief is based on the After-final amendment which has not been entered since the After-final amendment contains new issues.